

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

MARCUS FIELDS
ADC #150118

PETITIONER

V.

NO. 5:13CV00297 KGB/JTR

RAY HOBBS, Director,
Arkansas Department of Correction

RESPONDENT

ORDER

Petitioner has filed a “Motion for Transcripts and Evidentiary Records of All Plea Offers,” *Doc. #13*, and two “Motions to Compel,” *Docs. #16 & #17*. Respondent has filed a Response. *Doc. #14*. As set forth below, the Motions are GRANTED in part and DENIED in part.

Petitioner asks the Court to subpoena or otherwise obtain the following:

- (1) The transcript of Petitioner’s jury trial in Sebastian County Circuit Court Case No. CR2011-29, which resulted in the conviction being challenged in this federal habeas action;
- (2) The “entire record” from Case No. CR2011-29, including:
 - (a) A “plea hearing” held on September 9, 2011;
 - (b) All “plea bargain offers” in the case;
- (3) The trial transcript from “CR2010-136”;
- (4) The “plea agreement and statement” from “CR2011-362”; and

(5) “Statements” and “polygraph results” from “Case 89-746.”

The Court may, for “good cause,” authorize a party to conduct discovery in a federal habeas action, and may limit the extent of any discovery. Rule 6(a), Rules Governing § 2254 Cases in United States District Courts; *see Bracy v. Gramley*, 520 U.S. 899, 909 (1977) (“good cause” requires a showing “that the petitioner may, if the facts are fully developed, be able to demonstrate that he is ... entitled to [habeas] relief.”). In addition, the Court may “direct the parties to expand the record by submitting additional materials relating to the petition,” including transcripts of prior proceedings. § 2254 Rules 5(c) & 7.

The Court agrees that the items requested by Petitioner regarding Case No.CR2011-29 are relevant to his federal habeas claims, and are necessary to full consideration of the issues presented by both parties.¹ *See Beck v. Bowersox*, 257 F.3d 900, 901 (8th Cir. 2001) (§ 2254(d) requires “meaningful federal court review of the evidentiary record considered by the state courts”). However, at this time, he has not demonstrated that the remaining items are necessary for the Court’s review.

Thus, on or before July 10, 2014, Respondent is directed to file with the Court, and provide a copy to Petitioner, the following:

¹Respondent’s Response refers to the trial transcript several times and states that, if requested by the Court, he will provide the two-volume trial record. *Doc. #11, at 11 n.2.*

- (1) The record of Petitioner's state court proceedings in Sebastian County Circuit Court Case No. CR2011-29, including the available transcripts of any pretrial proceedings and of his jury trial;
- (2) The Sebastian County Circuit Court docket sheet for Case No. CR2011-29; and
- (3) Evidence of any plea offers in Case No. CR2011-29.

All other requests are denied. Accordingly, Petitioner's Motions, *Docs. #13, #16 & #17*, are GRANTED IN PART AND DENIED IN PART.

DATED THIS 10th DAY OF June, 2014.


UNITED STATES MAGISTRATE JUDGE